IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Crl.MC.No. 1675 of 2007()

CC.649/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT, PAYYANNUR

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PETITIONER/ACCUSED:

T.FAROOK, AGED 30 YEARS,
S/O.K.T.ABDUL SALAM HAJI,
"SHAHIDA MANZIL"
MATTOOL SOUTH
NEAR OTHAYARTAKKOM BUS STOP
KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.K.P.HARISH

RESPONDENT/COMPLAINANT:

STATE - REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1675 of 2007

Dated this the 24th day of May 2007

O R D E R

The petitioner faces indictment in a prosecution under Sections 323 and 324 I.P.C. All the offences are compoundable. Composition has been effected. The petitioner wants to appear before the learned Magistrate and report composition. But the petitioner apprehends that the learned Magistrate may not consider the application for composition expeditiously. The petitioner apprehends that the learned Magistrate may remand him to custody to some other date and insist that the petitioner must continue in custody for some period of time before the application for composition is taken up for consideration.

2. I have no reason to believe that any Magistrate would follow such a strange procedure when matter is reported to be compounded and such application for composition is filed sufficiently early in the day. The learned Magistrate must proceed to consider the application for composition immediately and should not unnecessarily insist that the petitioner must

continue in custody for any length of time. No special or specific directions need be issued as I do not apprehend that any Magistrate would resort to such an oppressive procedure.

3. In the result, this Criminal Miscellaneous Case is dismissed but with the observation that the learned Magistrate must consider the application for composition on the date of its filing itself if the same is filed on or before the commencement of the proceedings.

Hand over copy of this order to the learned counsel for the petitioner today itself.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF APRIL 2007